

# LAW LIBRARY JOURNAL

Volume 28

January 1935

Number 1

Published in conjunction with Index to Legal Periodicals, Vol. 28, No. 1, Jan. '35

Published Quarterly, January, April, July, and October

by the

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PUBLISHER, THE H. W. WILSON COMPANY, 950-972 University Ave., New York City.

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## NOTICE

Beginning with Volume 28, the volume numbers of the Index to Legal Periodicals and the Law Library Journal will be printed in Arabic instead of in Roman numerals. This change in numbering is made by the Editors in accordance with the recent proposed recommendations of the Joint Committee on Standardization of Reference Data for Periodicals. (See L.L.J. XXVII: 177, and A.L.A. *Bulletin*, Sept, 1934, pp. 645-647.)

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<sup>1</sup> The members of the Executive Committee and the members of the Committee on Index and Journal are listed in the mast head at page 1.

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1-20-39  
V 27, nos 1-4

ROALFE PLAN ENDORSED BY THE ASSOCIATION OF  
AMERICAN LAW SCHOOLS

The Association of American Law Schools met in Chicago at the Stevens Hotel from December 27th to December 29th, 1934, inclusive. On Saturday, December 29th, at 9:30 a.m. a meeting of the Association's Round Table on Library Problems, under the chairmanship of Professor Ralph Fuchs of Washington University, St. Louis, was held. At this meeting, the program of the Round Table called for a report on the present status of the Roalfe expansion program of the American Association of Law Libraries.<sup>1</sup> This was presented by Eldon R. James, Frederick C. Hicks, and William R. Roalfe. Mr. James' statement was as follows:

*Mr. James:* The plan, generally known as the Roalfe plan, for the expansion of the activities of the American Association of Law Libraries, was adopted by the American Association of Law Libraries at the annual business meeting held June 29th, 1934 at Montreal. This plan was developed in a report of a committee of the American Association of Law Libraries, of which Mr. William R. Roalfe, the Librarian of the Law School of Duke University, was chairman and Mr. Gilson G. Glazier of the Wisconsin State Library, Professor Frederick C. Hicks of the Yale Law School and Mr. John T. Vance, Law Librarian at the Library of Congress, were members. The report was submitted to the Association and discussed at its 1932 and 1933 meetings. Briefly, the report urged an expansion program upon the Association for the purpose of developing the activities and services of American law libraries in various ways through the Association as a coordinating agency. It was suggested that the Association might establish a library of material on law library administration, become a clearing house for general information and a depository for statistics with regard to law libraries and undertake research with respect to special problems, such as a survey of present law library conditions, the preparation of legal bibliographies and legal indexes. An expanded Law Library Journal was proposed. Suggestions were made for making the Index to Legal Periodicals more widely useful. The publication of check-lists of current legal literature, it was thought might be undertaken by the Association. In order to accomplish these ends, it was proposed that permanent national headquarters be established and an executive secretary be elected and that competent assistants be secured. To this end, recommendations in the form of amendments to the Constitution and By-laws of the Association were proposed. One amendment established an institutional membership. Another amendment provided for an executive secretary and treasurer, who should receive such compensation as the Association might decide. It was also proposed that the Association be incorporated. The By-laws

<sup>1</sup> The program of the Round Table included, in addition to the *Report on the Present Status of the Roalfe Expansion Plan of the American Association of Law Libraries*, the presentation of the following papers: *Contents of a Law Library Maintained on an Annual Budget of \$2500*, by Lucile Elliott, University of North Carolina (Miss Elliott's paper was read by Dean M. T. Van Hecke); *Law Books and Law Publishers*, by Arthur S. Beardsley, University of Washington (Mr. Beardsley's paper was read by Dean Harold Shepherd); and, *Government Documents for the Law Library*, by Miles O. Price, Columbia University (Mr. Price's paper was read by Professor Samuel E. Thorne of Northwestern University.)

The full text of each of these papers will be published in later numbers of the Law Library Journal. (Editor's note.)

were to be amended providing for annual dues of \$5 a year for individual members and from \$10 to \$40 a year for institutional members, the amount varying according to the number of full time employees in the library. The annual dues of associate members, it was proposed to fix at \$20 a year.

Roughly, this is the Roalfe plan as it was approved at the Montreal meeting of the American Association of Law Libraries. In addition to approving the plan, it was voted to establish the headquarters permanently in Washington. Among other things, this was regarded as having the advantage, not only of bringing the Association in close contact with the Library of Congress, but also of enabling the Association, when its reorganization is completed, to undertake, through its Secretariat, the service of supplying its members with government publications, now so difficult to obtain.

The amendments proposed in the report of the Roalfe committee will be submitted to the members of the Association and will be acted upon, I have no doubt, favorably, at the next annual meeting to be held in, June 1935, at Denver. If these amendments are adopted, the way is clear for the reorganization of the Association. It will be possible to accept institutional memberships and to proceed with incorporation and to begin the development of the service contemplated in the Roalfe report. It would greatly assist us if this Round Table were to adopt a resolution approving of the plan of the American Association of Law Libraries and requesting a similar endorsement by the Association of American Law Schools. Undoubtedly, the American Association of Law Libraries has taken a great step forward. While its membership includes librarians from libraries other than those of law schools, it will be able, when it is reorganized, to render great services to law school libraries and can be of very considerable aid to the Association of American Law Schools and its members.

I have asked Mr. Roalfe, the chairman of the expansion committee of the American Association of Law Libraries, who is, I think, the real author of the plan, and Professor Hicks, also a member of the committee, to take up the balance of my time. They will present to you in more detail than I have done, certain aspects of the Roalfe plan which will be of special interest to law schools and their libraries.

Mr. Hicks spoke as follows:

*Mr. Hicks:* The outstanding periodical in the world devoted to the professional interests of law libraries and law librarians is the *Law Library Journal*. I was tempted to say that this is the only such periodical, but that would have been unfair to the *Law Library News*, and to several local publications issued by law libraries.

The *Law Library Journal*, published by the American Association of Law Libraries and now in its twenty-seventh volume, began its life as a non-identical twin of the Index to Legal Periodicals, when that Index was born in January, 1908. It is still published in conjunction with the Index, its periodicity being quarterly like that of the Index. During most of its life, it has been used chiefly as the vehicle for publishing the papers and proceedings of the annual meetings of the American Association of Law Libraries. This has been its chief function, and only occasionally have the limited funds available permitted the publication



of other material. Despite this limitation, the Journal is the most complete repository in existence of information concerning the history, management and problems of law librarianship. Even under difficulties, it has proved itself to be a professional journal indispensable to law libraries.

When its function as a professional journal for law librarians is emphasized, I mean also to emphasize its importance for the practising lawyer and the legal scholar, for bar associations and for law schools. Certainly every increase in professional knowledge and skill induced in law librarians by means of a professional journal shows itself in increased facilities and services available to the users of law libraries. It is for this reason that it is pertinent to discuss with law teachers and administrators of law schools, the idea of expanding the Law Library Journal, as one phase of the plan for extending the activities of the American Association of Law Libraries. I am therefore taking the liberty, on the invitation of Mr. James, of giving a prospectus of what I should like to see the *Law Library Journal* become. The proposals are:

1. That it shall be published monthly instead of quarterly.
2. That, in addition to publishing the proceedings of the annual meetings, it shall publish contributed articles, information and news concerning law books and law publishing, law libraries, law library skills and practices, and law librarians.

The contents of the Journal under the heads enumerated would include the following:

(a) *Law Books and Law Publishing*

The Journal would take over the functions of the present Law Library News in listing new and forthcoming treatises, laws, periodicals and reports. It would serve as a medium of exchange and sale of second-hand books. It would not review law books, but would leave that field to the existing law journals and reviews. It would, however, contain articles concerning new trends in law publishing, the history of classes of law books, and of law publishing firms. It would provide a forum for discussing difficulties encountered in the use of law books, and for pointing out gaps in the facilities for finding the law provided by Federal, State and Municipal governments and by private publishers. It would also contain short bibliographies and subject lists prepared by librarians and other contributors. It would call the attention of librarians and users of libraries to existing indexes and reference tools which may have been neglected by some of them. It would not hesitate to call attention to facilities presumably well known, because it would expect to serve the beginner, and those whose opportunities have been few, as well as those in the larger libraries.

(b) *Law Libraries*

The Journal in the past has contained many articles about particular law libraries. There are many more that ought to be described, both historically and as to their present condition. Such articles would be given space in the expanded Journal; and summaries of the annual reports of law libraries would be informative items of news. Through such summaries unusual acquisitions would be pointed out, the location of special

collections would be made known, and original ideas in law library management would be brought to light.

(c) *Law Library Skills and Practices*

Hereunder lies a large opportunity for service through the Journal. There is no published Manual of Law Library Economy. For information concerning methods used in law libraries one must even now turn to the present Journal, since in it is to be found practically all that has been published. In an expanded Journal, under the stimulation of competent editorship, many more technical articles would be published. They would answer to real needs not only of beginners, but of experienced librarians. They would deal with book-selection, book-buying, serial records, cataloguing, classification, reference work, loan desk service, charging systems, binding, library statistics, labor saving devices, book-plates, library supplies, library furniture, lighting, ventilation, rare book exhibitions, library hours for readers and for staff, and a hundred other similar matters. Although law books would not be reviewed, there would be extensive reviews of books and articles relating to the technique of law library science.

(d) *Law Librarians*

Material concerning law librarians would be included for two reasons, first, by publishing biographical articles concerning law librarians of the past, to give to those of today some idea of the dignity of the profession in which they are engaged; and second, by news items to keep law librarians informed as to the activities of their colleagues in the profession.

Such a monthly journal as I have outlined would probably not immediately be self-supporting. It would, however, have two means of support at the outset, namely the amount now paid as a subscription price for the Law Library News, and law book advertisements. Subscribers to the Law Library News now pay \$3.50 a year. They would gladly pay as much or more for the expanded Journal. Law publishers, I believe, would advertise extensively in a monthly journal, read by every law librarian in the country. Costs of editorship, publication and distribution in excess of the above income would have to be underwritten. It is thought likely that this underwriting could be arranged for, if the Roalfe plan of reorganizing the American Association of Law Libraries were carried through with the aid of the Association of American Law Schools.

Mr. Roalfe closed the discussion of the Roalfe plan with the following:

*Mr. Roalfe:* Since a library is an indispensable feature of every law school worthy of the name, we will no doubt all agree that the improvement of our libraries is a legitimate and meritorious aim. Therefore, without further introduction, I will endeavor to set forth some of the reasons why we believe that support of the expansion program of the American Association of Law Libraries will contribute to the achievement of this end.

Professor James has presented a brief outline of the plan and has reported its present status, and Professor Hicks has emphasized the importance of expanding the Law Library Journal, and has indicated how it, as a more adequate professional organ, can render a service which will directly or indirectly con-

tribute to the advancement of the legal profession. The Journal, although extremely important, is but one feature of the plan. Essential bibliographical tools of direct interest to the law teacher and practitioner are of course also included, but, unfortunately, limitations as to time prevent detailed accounts of other aspects of the program.

The American Association of Law Libraries has had a slow but steady growth, due almost exclusively to the efforts of its own members. When all factors are considered a very creditable showing has been made. But the appropriate and, in fact, absolutely essential future development of the law libraries of America is an undertaking which, while it should be under the direction of the professional law librarians, requires the mobilized support of the bench and bar and the law teaching profession. Does it not then naturally follow that law librarians should look to the Association of American Law Schools for interested and active collaboration? For it in fact represents the leading law schools which together have exerted and will continue to exert a profound influence on the development of the legal profession. When one stops to consider what an important part the printed page has played in this movement, the library is unmistakably seen in its rightful place in our legal educational scheme. Regardless of the changing theories and fashions in methods and objectives of legal education, it remains a vital feature with potentialities yet untapped.

But if anyone should still ask: Are not conditions satisfactory as at present, we would reply by putting the question: How many competent law school teachers are really satisfied with their law school libraries? Certainly anyone who appreciates the contribution that our law libraries can and should make to legal scholarship and to the advancement of the standards of the bench and bar, realizes that even the best fall short of the goal. As for the rest, their performance is grossly inadequate. This inadequacy arises from a number of sources, some of them being, because of ignorance and indifference on the part of those with the authority to remedy conditions, because librarians are far from always qualified, because when they are qualified they frequently do not receive the support they deserve, because libraries are often administered by persons who have other duties that take most of their time, and finally, for lack of necessary funds.

The expansion program now in progress is the result of the ferment taking place within the ranks of the law library profession itself and indicates a healthy response to vital needs. That this development will continue is altogether probable but a broader interest will greatly facilitate this movement. At this juncture then the active interest and support of the leading American law schools through their association can and should serve to correlate these two movements which together will achieve a further and vital step in a development, the object of which has been the elevation of the standards of the American Bar, by means of a great program of formal legal education of which it is the chief sponsor. And, after all, legal education should not end with graduation from law school. It should continue as an integral part of professional life. But how can this be possible if adequate libraries are not at hand? Certainly, at present, thousands of lawyers in many parts of this country are not so provided.

May we now point out a few of the ways in which we believe the law schools will greatly benefit from the vigorous development of the American

Association of Law Libraries. Among other things, they should be able to look forward to a higher type of law librarianship, as the professional status of this specialty becomes more widely recognized and established. A finer type of library administration will inevitably follow. This will be expressed in more adequate bibliographical tools, now so urgently needed; more effective assistance in preliminary research; a vigorous policy in the acquisition of materials needed in each institution; a genuine collaboration between the librarian and the faculty he represents, now so often lacking; and last, but not least, the mobilization of a strong professional group, which can, with the support of the bench and bar and the teaching profession, exert a broad constructive influence with respect to all matters which relate to their libraries the country over.

Since the law teaching profession has played such an important part through its influence in the creation and preservation of the record of the law as it appears in print (need I mention any other class of books than the law school periodicals and their growing influence) it would seem that the active support of the American Association of Law Libraries by the law school faculties might be stated as that of an obligation. But, however that may be, it appears to us that it more appropriately presents itself as a great opportunity—the opportunity to mobilize the moral support of the law teaching profession in behalf of a basically sound and creative movement, the primary objective of which is to contribute to the improvement of the legal profession in all its branches by providing the essential “laboratory materials” coupled with the necessary related services, out of which the law of each tomorrow must be made to more nearly serve the great purposes of the nation.

At the conclusion of these statements, Mr. James presented the following resolution:

Resolved, that the Round Table on Library Problems being convinced that the expansion program of the American Association of Law Libraries is of great significance to legal education, expresses its interest in and sympathy with the development of this program and its hope that the program will be carried out. The Round Table is also interested in the plans for extending the usefulness of the Law Library Journal and desires to place itself on record as approving of institutional memberships in the American Association of Law Libraries.

This resolution was unanimously adopted. Mr. James then presented the following resolution:

The Round Table on Library Problems recommends to the Association, the adoption of the following resolution:

Resolved, that the Association of American Law Schools endorses the expansion program of the American Association of Law Libraries.

This resolution was unanimously adopted.

Mr. Hicks offered the following resolution:

Resolved, that it is the opinion of the Association of American Law Schools, that the Federal government should provide for the compilation, publication and indexing of existing Federal executive orders and regulations; for the current publication of new orders and regulations in an official gazette or otherwise; and



for the publication at suitable intervals of compilations of executive orders and regulations in force, the resulting series of publications to be similar in character to the British Statutory Rules and Orders.

This resolution was unanimously adopted.

At the business meeting of the Association of American Law Schools held Saturday afternoon, December 29th, the following resolutions were unanimously adopted:

Resolved, that the Association of American Law Schools endorses the expansion program of the American Association of Law Libraries.

Resolved, that it is the opinion of the Association of American Law Schools, that the Federal government should provide for the compilation, publication and indexing of existing Federal executive orders and regulations; for the current publication of new orders and regulations in an official gazette or otherwise; and for the publication at suitable intervals of compilations of executive orders and regulations in force, the resulting series of publications to be similar in character to the British Statutory Rules and Orders.

## A BIBLIOGRAPHY ON THE CONSTITUTIONAL ASPECTS OF THE RECOVERY PROGRAM

Prepared for the Wisconsin State Library by *Donald Perry*<sup>1</sup>

Under the Direction of *Gilson G. Glasier*, Librarian.

(Revised to November 1, 1934.)

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<sup>1</sup> Bachelor of Arts degree, 1931, University of Wisconsin; Bachelor of Laws degree, to be conferred March 1935, University of Wisconsin; Assistant, Legal Department, Federal Land Bank, St. Paul, Minnesota.

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NOTE: \* indicates compiler's selection of leading article in each section.

† indicates compiler's recommended references for a fairly complete solid exposition of the constitutionality of the recovery program in general.

Comments on cases, except in a few instances, have been omitted in this bibliography.

## PART I.

### 1. CONSTITUTIONAL ASPECTS OF THE RECOVERY LEGISLATION IN GENERAL

#### I. *N.I.R.A., N.R.A., and the New Deal*

(Note: The N.R.A. is the Federal agency set up under the N.I.R.A. to execute the functions of Title I of that act. N.R.A. is the abbreviation for National Recovery Administration; N.I.R.A., for National Industrial Recovery Act.)

ARNOLD, T. W. Trial by combat and the new deal. 47 Harv L Rev, Ap '34, 913-47. (Advocates tentative judicial approval.)

- BARRETT, H. J. Is there a national police power; if so, what is its relation to the recent federal statutes affecting industry and trade generally, particularly the "National Industrial Recovery Act?" 14 B U L Rev, Ap '34, 243-92. (N.I.R.A. is unconstitutional unless the court "announces a National police power.")
- BECK, J. M. The future of the constitution. 19 A B A Jour, S '33, 493-98.
- BEEDLE, T. G. "When and under what circumstances is congressional legislation violative of the Tenth Amendment to the Constitution of the United States?" 11 Neb L B, My '33, 484-98.
- BIGELOW, V. C. Legal phases of the N.I.R.A. 57 N J L Jour, Je '34, 311-14.
- BLACK, F. R. National Industrial Recovery Act and the delegation of legislative power to the President. 19 Cornell L Q, Ap '34, 389-98.
- BOUDIN, L. B. Is economic planning constitutional? A reexamination of the concept of public interest. 21 Geo L J, Mr-My '33, 253-90, 387-434. (Constitutional.)
- †BROWN, RAY A. [Univ. of Wisc.] The constitution, the supreme court and the N.I.R.A. 13 Oreg L Rev, F '34, 102-21. (Constitutional on emergency grounds; permanent basis should not be on "legal rules and doctrines, but on broader concepts of politics, economics, and the whole structure of the social order.")
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- BRUCE, A. A. Constitutionality of the National [Industrial] Recovery Act. 38 Com L J, Jl '33, 316-24. (Vigorous attack on the constitutionality of the N.I.R.A.)
- BRUCE, A. A. The future of the N.R.A. 39 Com L J, Jl '34, 344-9.
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- †CARPENTER, C. E. Constitutionality of the National Industrial Recovery Act. 7 So Calif L Rev, Ja '34, 125-43.
- CLARK, CHARLES E. Legal aspects of legislation underlying national recovery program. (Address.) 20 A B A Jour, My '34, 269-72.
- CLARK, J. P. Emergencies and the law. 49 Pol Sci Q, Je '34, 268-83. (Constitutional, but need not, and should not, be based on emergency theory.)
- CULP, M. S. Constitutional law—price fixing—emergency legislation. 32 Mich L R, N '33, 63-71. (Constitutional—no violation due process clause: (1) "Emergency" (2) "Affected with a public interest.")
- CULP, M. S. Executive powers in emergencies. 31 Mich L Rev, Je '33, 1066-96. (Doubtful, but still "his unauthorized acts may be ratified by legislation.")
- DICKINSON, J. Major issues presented by the [National] Industrial Recovery Act. 33 Colum L Rev, N '33, 1095-1102. (Mandatory features constitutional on commerce clause.)
- †ELDER, C. B. Some constitutional aspects of the National Industrial Recovery Act. 28 Ill L Rev, Ja '34, 636-61. (Constitutional on the Commerce Clause.)
- ELLINGWOOD, A. R. The new deal and the constitution. 28 Ill L R, F '34, 729-51. (Constitutional.)
- Explanatory Notes to the National Industrial Recovery Act. The United States Law Week. Washington, D. C., Bureau of National Affairs, Inc., 1933. pp. 1-001 to 1-009 at p. 1-006. (Intimates Title I unconstitutional. Discusses commerce clause; delegation of power; due process in respect to administration, contract, minimum wages, hours, and prices; and "yellow dog" contracts in support.)
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### IX. Codes

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INDEX TO MEMOIRS, ORDERS AND RULES OF COURT, ADMISSIONS TO THE BAR, AND OTHER INTERESTING MATERIAL,  
FOUND IN UNITED STATES SUPREME COURT REPORTS,  
VOLUMES ONE TO TWO-HUNDRED AND  
NINETY-ONE, INCLUSIVE

*By Dr. G. E. Wire, Worcester, Massachusetts<sup>1</sup>*

Most of this indexing was done at odd moments, as I sat at my reading room desk in the Worcester County Law Library, Worcester, 1913-1917, since, and lately, brought down to date, as noted above. The first session, of this honorable court, held in New York City, in 1790, carries us back to the days of ruffled shirts, and of knee breeches, of snuff boxes, and of wigs, of pounceboxes, and of quill pens, and that wonderful hand-made linen writing paper, which has preserved those early court records, even unto this day. The fine, old fashioned courtesy of those mellow days still continues in the atmosphere of this most honorable, and most powerful court, not only of these United States, but of this world. Obviously, it is not within the province of this paper to go any further into the history of this honorable court. For full details, I would refer interested parties to the various histories of this court, to be found

<sup>1</sup> Dr. G. E. Wire, Librarian, Worcester County Law Library, 1898-1929, has for many years given generously of his time and energy to the activities of the American Association of Law Libraries, and has made valuable contributions to the Law Library Journal. As Chairman of the Committee on Memorials in State Reports he carried to completion in 1934 the important work of indexing and publishing all of the Memorials in State Reports. (See L.L. J: 27:75.). The Editor is happy to have for publication in this number of the Journal his Index to Memorials in the United States Supreme Court Reports.

on the walls of this reading room, where this work was done, and where I spent over thirty happy years. For historical accuracy, painstaking minutia, and local color, Warren's *The Supreme Court in United States History*, leaves nothing to be desired.

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 Daniel, Hon. P. V. Memorial, 65:iii-vii. Court adjourned on death of his wife, 60:iv.  
 Daugherty, Hon. H. M., Attorney General. Appointed, 255:iii. Resigned. 264:iii.



- Davis, Hon. David; Resigned, 94:vii-x. Memoir, 118:703-704.
- Davis, Hon. J. C. B., Reporter. Appointment of, and note as to citation of reports, 108:v-vi. Resignation, 186:487 and 187:v.
- Davis, Hon. J. W., Solicitor General. Appointed, 230:iii. Resigned, 248:iii.
- Day, Hon. W. R.; Appointed, 189:iii. Absent, 222:iii, 223:iii, 224:iii, 225:iii. Absent on account of illness, 239:ii, 240:iii, 241:iii, and 243:iii. Retired, 260:iii, ix-xi. Court adjourns on day of funeral of Mrs. Day, 222:xxix.
- Devens, Hon. Charles. Commissioned Attorney General, 94:v.
- Dilli, Hon. R. C.; Appointed Deputy Clerk, 274:ix.
- Duval, Hon. Gabriel. Commissioned, 12:iii. Prevented attending court, 33:iii. Resigned, 34:iii. Obituary, 43:x-xii, second Roman paging.
- Ellsworth, Hon. Oliver, C. J.; Appointed, 3:171.
- Ewing, Mr. Thomas; Obituary, 79:vii-x.
- Field, Hon. S. J.; Appointed, 67:iv. Took part in deciding certain cases, 104:vii. Resigned, 168:iii and 713-718. Memoir, 173:708.
- Frierson, Hon. W. L., Solicitor General. Appointed 254:iii. Resigned, 256:iii.
- Fuller, Hon. M. W., C. J. Appointed, 128:iii. Address commemorating the inauguration of G. Washington, 132:705-734. Absent by reason of illness in his family, 141:iii. Death, 217:iii. Memorial, 219:vii-xxvii.
- Garland, Hon. A. H., Attorney General. Appointed, 113:iii. Resigned, 130:iii. Death, 172:651.
- Goode, Hon. John; Appointed Solicitor General, 114:iii. Resigned, 118:iii.
- Gray, Hon. Horace, took oath, 104:vii. Absent by reason of sickness, 141:iii. Death, 187:iii.
- Green, Hon. F. K., Marshal. Appointed, 235:vi.
- Gregory, Hon. T. W., Attorney General. Appointed, 235:iii. Resigned, 249:iii.
- Grier, Hon. R. C. Resignation, letters and eulogy, 75:vii-xix. Death, 77:v.
- Griggs, Hon. J. W., Solicitor General. Appointed, 169:iii. Resigned, 181:iii.
- Grundy, Hon. Felix, Attorney General. Obituary, 40:iii-iv.
- Harlan, Hon. J. M. Appointment of, 95:vi. "Took oath in open court," hears argument for last time, and then went on Behring Sea Fur Arbitration Commission. 147:iii. Memoir, 222:iii and v-xxviii. Died, 223:iii.
- Harmon, Hon. Judson, Attorney General. Commissioned, 159:iii. Resigned, 166:iii.
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- Hendricks, Hon. T. A., Vice-President. Notice of his death, 117:707.
- Herschell, Baron, Lord Chancellor of England. Notice of his death, 173:707.
- Holmes, Hon. O. W.; Appointed, 187:iii. Retired, 284:iii and v-vii.
- Howard, Hon. B. C., Reporter. Appointed, 42:iii. Resigned, 66:iv. Obituary, 80:vii.
- Hoyt, Hon. H. M., Solicitor General. Appointed, 189:iii. Resigned, 213:iii.
- Hughes, Hon. C. E., C. J., Appointed Associate Justice, 218:iv. Resigned, 241:iii. Appointed C. J. 283:iii.
- Hughes, Hon. C. E. Jr.; Appointed Solicitor General, 279:iii. Resigned, 281:iii.
- Hunt, Hon. Ward. Illness, 98:vii, 99:vii, and 100:vii. Indisposed, 101:iii, 102:v and 103:v. Still indisposed, 104:vii. Resigned, 105:vii and ix-x. Memoir, 118:701-702.
- Hunter, Hon. Alexander, Marshal. Appointed, 33:iii.
- Jackson, Hon. H. E.; Appointed, 148:iii. Illness, 155:iii, 156:iii, 157:iii, 158:iii. Death, 159:iii. Memorial, 159:701-708.
- Jay, Hon. John, C. J.; Appointed, 2:399.
- Jenks, Hon. G. A.; Appointed Solicitor General, 118:iii. Resigned, 132:iii.
- Johnson, Hon. Reverdy, Attorney General. Obituary, 92:v-xvi.
- Johnson, Hon. Thomas, Resigned, 2:480.
- Johnson, Hon. William; Appointed, 5:xviii. Prevented attending by severe and continued indisposition, 31:iii and 33:iii. Resolutions on, 34:v-vi.
- Key, Mr. F. S. Peters' eulogy upon, 41:128. Obituary, 42:x-xiv. See "Miscellaneous."
- King, Hon. A. C., Solicitor General; Appointed, 248:iv. Resigned, 254:iii.
- King, W. R., Vice President. Memorial, 56:iii-iv.

- Knaebel, Hon. Ernest, Reporter. Appointed, 241, flyleaf following title page.
- Knox, Hon. P. C., Attorney. Appointed, 181:iii. Resigned, 195:iii.
- Lamar, Hon. J. R.; Appointed, 218:iii. Absent on account of sickness, 239:i. Died, 239:i. Memorial, 241:v-xx.
- Lamar, Hon. L. Q. C.; Appointed, 124:iii. Died, 147:iii. Memoir, 148:707-711.
- Legare, Hon. H. S., Attorney General. Obituary, 43:vii, second Roman paging.
- Lehman, Hon. F. W., Solicitor General. Appointed, 218:iv. Resigned, 226:iii.
- Livingston, Hon. Brockholst: Appointed during recess, 8:xiii. Died, 21:v-vi. Absent from indisposition, 21:vi.
- Lurton, Hon. H. H.; Appointed, 215:iii. Absent on account of illness, 232:iii. Died, 233:iii, Memorial, 237:v-xxv.
- MacVeagh, Hon. Wayne, Attorney General. Appointed, 103:vii.
- McKenna, Hon. Joseph; Appointment, 169:iii. Retirement, 266:v-viii. Died, 272:v.
- McKenney, Hon. H. C., Deputy Clerk. Appointed, 231:iii.
- McKenney, Hon. J. H. Clerk. Appointed, 100:x. Died, 231:iii and v-vi.
- McKinley, Hon. John; Memorial, 55:iii-v.
- McLean, Hon. John; Appointed, 27:ix, "In room of Hon. Robert Trimble." Obituary, 66:8-13.
- McReynolds, Hon. J. C., Attorney General. Appointed, 227:iii. Resigned as Attorney General, 235:iii. Appointed Associate Justice, 234:iii.
- Maher, Hon. J. D.; Appointed Clerk, 231:iii. Died, 256:iii and viii-ix. Sixty-six years in U. S. Supreme Court.
- Marshall, Hon. John, C. J. Appointed, 180i. Died, 1835. Resolution on, 35:v-x. Incapacitated from attending court by oversetting of stage, 11:i. Unveiling of statute, 112:744-746. Centennial of his appointment, 180:643-716.
- Matthews, Hon. Stanley. Illness, 128:iii, 129:iii. Death, 130:iii. Memoir, 131:453-457.
- Maxwell, Hon. Lawrence, Solicitor General. Appointed, 150:iii. Resigned, 156:iii.
- Merrick, Mr. R. T. Memoir, 116:705-706.
- Middleton, Hon. D. W., Clerk, 1825-1880. Memorial, 100:x. See "Miscellaneous."
- Miller, Hon. S. F. Oration at Centennial of Constitution, 135:723-744. Died, 137:iii. Memoir, 137:701-708.
- Miller, Hon. W. H., Attorney General, 130:iii. Resigned, 148:iii.
- Mitchell, Hon. W. D., Solicitor General. Appointed, 268:iii. Appointed Attorney General, 279:iii. Resigned, 288:iii.
- Moody, Hon. W. H., Attorney General. Appointed, 195:iii. Resigned, 203:iii. Appointed Associate Justice, 203:iii. Absent on account of sickness, 215:iii, 216:iii, 217:iii. Absent on account of sickness, and act to put him on the retired list, 218:iv. Retirement, 218:xvii-xviii.
- Moore, Hon. Alfred; Appointed, 4:28. Resigned, 6:vii.
- Nelson, Hon. Samuel. Resignation and letter, 81:x. Notice of death and adjournment of court, 84:xvi.
- Nicholay, J. G. Resignation as Marshal, 124:739-740.
- Olney, Hon. Richard, Attorney General. Appointed, 148:iii. Resigned, 159:iii, having been appointed Secretary of State.
- Otto, Hon. W. T., Reporter. Appeared on title page, 91:v. Resigned, 108:v-vi.
- Palmer, Hon. A. M., Attorney General, 249:iii. Resigned, 255:iii.
- Paterson, Hon. William; Appointed, 2:480. Died during recess, 8:xiii.
- Peckham, Hon. R. W.; Appointed, 160:iii. Death and Memoir, 215:iii and v-xiii.
- Phillips, Hon. G. W.; Appointed Crier, 58:viii. Only Crier mentioned in these reports.
- Phillips, Mr. Philip. Memoir, 110:iii-iv.
- Phillips, Hon. S. F.; Appointed Solicitor General, 82:iii. Resigned, 114:iii.
- Pinkney, Hon. William, Attorney General. Resigned, 12:iii. Died, 20:xv-xx. "Memorandum", not a memorial. First one of the long list of memoirs.
- Pitney, Hon. Mahlon; Appointed, 222:iii. Retired, 261:v-vii.
- Randolph, Hon. Edmund; Appointed, 2:399. Resigned, 3:i.

- Richards, Hon. J. K., Solicitor General. Appointed, 169:iii. Resigned, 189:iii.
- Roberts, Hon. O. J.; Appointed, 281:iii.
- Rodney, C. A. Esq. Attorney General in place of John Breckenridge, 8:xi.
- Roosevelt, Theodore, Ex President. Died, 248:v-vi.
- Rush, Hon. R.; Commissioned Attorney General, 12:iii.
- Rutledge, Hon. John; Appointed Chief Justice until end of next session of Senate, 3:121.
- Sanford, Hon. E. T.; Appointed, 261:iii. Died, 281:iii and v-vii. Memorial, 285:xxxvii-lvii.
- Sargent, Hon. J. G., Attorney General. Appointed, 267:iii.
- Sherman, J. S., Vice President. Announcement of death, 226:674.
- Shiras, Hon. George; Appointed, 146:iii. Resigned, 188:iii, and vii-viii.
- Stansbury, Hon. P. R., Deputy Clerk. Appointed, 257:iii.
- Stansbury, Hon. W. R., Clerk, Appointed, 257:iii. Memoir, 274:v-vii. See "Miscellaneous."
- Stanton, Hon. E. M. Nominated and confirmed as a justice, but died within four days after appointment and did not take his seat on the bench.
- Stone, Hon. H. F., Attorney General. Appointed, 264:iii. Resigned as Attorney General and appointed Associate Justice, 267:iii.
- Stonier, Hon. Horatio; Appointed Deputy Clerk, 276:v.
- Story, Hon. Joseph; Commissioned, 12:iii. Obituary, 45:v-viii.
- Strong, Hon. William; Appointed, 76:v. Resigned 102:v, vii, ix-x, 103:v, vii, ix-x.
- Sutherland, Hon. George; Confirmed, 260:iii. Sickness, 275:v.
- Swann, Mr. Thomas, Esq. Resolutions on death of, 39:iii-iv.
- Swayne, Hon. N. H.; Appointment, 66:iv. Resignation, 103:vii, and ix-xii. Memoir, 118:699-700.
- Taft, Hon. W. H., Solicitor General. Commissioned, 133:iii. Succeeded by Hon. C. H. Aldrich, 144:iii. Appointed Chief Justice, 257:iii. Retirement, 280:v-vi. Proceedings in memory of Chief Justice Taft and Mr. Justice Sanford, 283:v. Notice of death of Chief Justice Taft, 281:v-vii. Memoir, 285:v-xxxvi.
- Taney, Hon. R. B., C. J.; Appointed, 36:iv. Severe indisposition rendered him unable to take his seat on the bench, 43:iii. Indisposed during a portion of this term, 68:v. Obituary, 69:ix-xii.
- Thacher, Hon. T. D., Solicitor General. Appointed, 281:iii. Resigned, 289:iii.
- Thompson, Hon. Smith; Appointed, 22:iii. "Was prevented taking his seat on the bench the remainder of the term," 41:viii. Obituary, 43:iii-v and vii-ix. Second Roman paging.
- Todd, Hon. Thomas; Appointed, 8:182. "Mr. Justice Todd was absent during the whole term from indisposition," 21:vi and 23:iii. Memorandum Memorial, 24:iii-iv. Obituary, 38:iii-iv.
- Trimble, Hon. Robert; Appointed, 25:iii. Obituary, 27:v-vii.
- Van Devanter, Hon. Willis; Appointed, 219:iii-iv.
- Waite, Hon. M. R., C. J.; Appointed, 86:iii. Indisposed, 112:v, 113:v. Death, 125:iii. Memoir, 126:585-612.
- Wallace, Hon. J. W., Reporter. Memorial, 109:viii-ix.
- Washington, Hon. Bushrod; Commissioned, 3:409. "Absent the whole of this term from indisposition," 19:iii. Obituary, 28:v.
- Wayne, Hon. J. M.; Appointed in place of Mr. Justice Johnson deceased, 34:iii. Obituary, 73:vii-x.
- White, Hon. E. D., C. J.; Appointed, 152:iii. Appointed Chief Justice, 218:iii. Notice of death and memoir, 257:iii and v-xxix, also 256:iii and v-vii.
- White, Mr. J. M. Resolution on death of, 39:v-vi.
- Wickersham, Hon. G. W., Attorney General. Appointed, 213:iii. Resigned, 227:iii.
- Wilson, Hon. James; Appointed, 2:399. Deceased, 3:409.
- Wirt, Hon. William, Attorney General. Appointed, 16:iii. Resolutions on his death, 33:v-vii.
- Woodbury, Hon. Levi; Memorial, 53:iii-v.

Woods, Hon. M. B.; Appointed, 102:vii. Absent by reason of illness, 118:v. Ill and absent, 119:iv, 120:iii, 121:iii. Death, 121:iii and 651. Memoir, 123:761-765.  
 Wright, Hon. J. M., Marshal; Appointed, 124:740. Died, 235:iii and vi.

#### ORDERS AND RULES OF COURT

The first rules, as will be seen, were taken from the King's Bench and Chancery Rules. The honorable court gradually worked out its own rules conformable to their own practice and the demands of our civilization.

As nearly as I can make out, this list of the compilations of the Rules of the Supreme Court of the United States is complete. The gap between volume 108 and 210 is a long one, I admit, but it is all there, just the same. If anyone does not believe it, they are perfectly welcome to collate those 102 volumes and satisfy their mind on this point.

1—5:xvi-xviii, 1790-1803  
 2—14:xiii-xix, 1790-1816  
 3—26:v-xi, 1790-1827  
 4—41:lxi-lxxvii, 1790-1842  
 5—42:xxi-lxx, 1790-1842  
 6—62:iv-xvi, 1790-1858

7—108:571-592, 1790-1862  
 8—210:441-602, 1790-1907  
 9—222:I-41, 1790-1911 (Back of Volume)  
 10—266:643-699, 1790-1925 (Bottom Paging)  
 11—275:579-647, 1790-1928 (Bottom Paging)

Several of the early reporters deemed it necessary, a wise deem, to issue a new compilation, perhaps as an added inducement, to their first volume. So, we find new compilations in 1 Cranch, 1 Wheaton, 1 Peters, and in 5 Howard. Would it not be a good idea to issue a new compilation regularly every ten years? Eleven compilations between 1790 and 1934 is, on an average, one in every thirteen and a fraction years. Well, make it fifteen years, a reasonable time surely. The gap between volumes 108 and 210 covers a period from 1882 to 1907, an even twenty-five years.

An attempt has been made to differentiate rules into their various subjects when so nominated in the heading. No attempt has been made to analyze each set of rules and scatter them under different headings. Please keep in mind the Roman paging, front and back of volume, and also, in the later volumes, the bottom paging.

2:400, 2:411-414, from King's Bench and Chancery Rules. 3:120, 3:335, 3:356, 3:377, 5:xvi-xviii, 7:239-240, 8:537, 11:I, 14:iii-xii, 15:vii-viii, 19:v-vii, 21:vi, 22:iv, 26:v-xi, 28:xvi-xvii, 30:vii, 30:724, 31:iv, 32:iv, 33:vii, 34:vii-viii, 36:viii, 237:vii-viii, 39:xi, 41:viii, 42:xxiii-xxxviii, 44:xv-xvi, 48:v, 49:v-vi, 50:iv, 51:v-vi, 53:xi, 54:iii, 57:ix, 58:vi-viii, 61:iv, 62:v-xvi, 66:6-7, 68:vii, 69:vii-viii, 70:vii-viii, 71:vii, 73:v-vi, 74:v, 76:vii, 78:ix-x, 80:xi-xiv, 81:xi-xii, 82:v, 84:xvii, 87:xv-xvii, 88:v, 91:viii, 97:vii-viii, 100:ix, 103:xiii, 104:ix-x, 106:vii-viii, 107:vii, 108:571-592, 112:743, 115:701, 117:708, 119:703, 120:785-795, 123:759, 130:705-706, 137:709-712, 139:705-707, 146:707, 149:793, 150:713, 152:709-710, 159:709, 160:693, 178:617, 180:641, 200:626, 210:441-602, 215:xiv, 222:I-41, 222:585-586, 223:750, 225:693, 240:670-671, 243:623, 248:528-529, (Appendix) 266:645-699, (Bottom Paging), 271:693-696, 273:785, 274:766, 275:579-647, 276:639-640, 277:613, 283:869, 286:569, 286:575-649.

#### Admiralty.

44:i-xiv, (Third Roman Paging), 51:v, 54:vi, 62:iv, 66:6-7, 103:xiii, 254:668-708, (Bottom Paging), 281:773, 286:572.

#### Bankruptcy.

93:vii, 172:653-727, 199:618, 244:641, 267:613-616, 280:617-618, 283:870, 286:573, 288:619-655.



## Copyright.

214:533-539.

## Court of Customs Appeals Fees.

217:611-616.

## Equity.

20:v-xiii, 41:lxi-lxxvii, (Second Roman paging at back of volume), 42:xxxix-lxx, 104:ix-x, 144:689-691, 226: (Appendix) 625-673, (Bottom Paging), 268:709-712, 281:773, 286:570-571.

## ADMISSIONS TO THE BAR, 1828-1862

Note the various phrasings: Gentlemen, then Counselors, and Attorneys and Counselors. At first pretty much confined to the Atlantic Coast, the list started toward the Great Mississippi Valley. The full lists, are, of course, a legal "Who's Who" of those times, and merit a careful perusal.

26:xviii, 27:xii, 28:vii, 30:vi, 31:viii, 32:vii, 35:xi-xii, 36:iii, 37:iii-iv, 38:xi-xii, 39:xii, 40:x, 41:ix, 42:lxixiii, 43:xiii-xiv, 44:xv-xvi, 45:ix-x, 46:v, 47:v-vi, 48:vii-viii, 49:vii-viii, 50:vi, 51:vii-viii, 53:vii-viii, 54:iv, 55:vii-ix, 56:vii-ix, 57:v-vi, 58:iv-v, 59:vi, 60:v-vi, 61:v-vi, 62:v-xv, 63:v-vii, 64:v-vii, 65:xi-xiii, 66:14-16, 67:9-11.

## MISCELLANEOUS NOTES

Before proceeding to the notes, which like the memoirs are arranged according to the volume number, may I be allowed a few general reflections? Evidently, in the case of *Memoirs of the United States Supreme Court*, there existed the same condition of affairs as obtained at that time in all the printed reports of the older, largely the thirteen original, states.

Such things as memoirs were more or less unknown or unthought of at first. And, of course, printing conditions must be considered. All of these older reports were unofficial private ventures and, in all probability, followed the example of the *English Reports*, where to this day, even in the official reports, there are no memoirs, they being found elsewhere. At first, there seemed to be no system of printing the names of the justices, let alone the other people who were attachés of the court and necessary to its functions, such as, attorney general, clerk, marshal, reporter, and solicitor general. The names of these officials appear and disappear with charming irregularity. We can, of course, only concern ourselves with what appears in the pages of the official report. We have faithfully copied the names of the memorials and other things to the best of our ability, but, of course, cannot index memoirs where no memoirs exist. As noted elsewhere, the first memoir is to be found in volume twenty—none before that day. In fact, it is only since about the two hundreds that the full record of a justice appears, i.e., his appointment, sickness, death and memoir, or in some cases, resignation, death and memorial. It is, of course, entirely beyond the limits of this paper to even mention some of these early cases. They are all ably treated in the histories of the honorable court. The justices have been distinguished by the prefix "Hon." solely, except in case of the Chief Justice, and the letters "C. J." identify him. The officers of the court have the prefix "Hon." followed by their title. In a few cases, the court has seen fit to honor certain members of the bar with a memorial, and in these cases we have given them the prefix "Mr." A few other individuals, distinguished in one way or another, have been noticed by the court. We have checked and rechecked our notes, have revised them again and again, and submit them as they are, not as perfect. The entries in the early volumes, Dallas, Cranch, and Peters, are quaint and have much individuality. The honorable judges were indisposed or unable to attend court on account of "indisposition." One of the judges "took

oath," others were appointed, or nominated, or commissioned, but all took their places on the bench, except in one instance. All, of course, took the oath, but a singular thing, as far as I can learn, nowhere is this oath given. The greatest changes as to number seem to be with the Solicitors General.

The act under which the Supreme Court of the United States was organized will be found in United States Statutes at Large, volume 1, page 73.

In some of the earliest volumes as found in this library, the names of the justices are entirely omitted. In the 120's, 130's, 140's and 150's, the table of contents, as printed in the fore part of the volumes, is not always reliable. I have often found matter in the back of these volumes which was entirely omitted from the table of contents. The only safe way is to examine both the front and the back of the volumes. As a general thing, in the last one hundred volumes, if not more, of the four volumes a session reports, the changes in personnel are given in the first volume of the four. If possible, and in all such cases, I have made our notes from this first volume of the series and ignored the same matter as repeated in later volumes of the same session. Of course, if new matter is found in any of these later volumes, we have entered such matter in its proper place.

Someone will doubtless inquire why the list stops with volume 291 when the latest advance sheets are of volume 292. It is because the paging of these advance sheets and the permanent edition may not be the same, and furthermore none of this Roman paging matter is found in the advance sheets. In the 100's, and even just before them, will be found examples of what are technically termed false pages. That is, the Roman paging begins before the title page and is unnumbered. This paging, of course, tends to confuse one, and in a number of cases the page following the title page has to be numbered iv instead of ii, as it usually is numbered. Sometimes, in older volumes, there are two sets of Roman paging, unmarked in front or in back. I have endeavored to list them as first Roman paging or second Roman paging. Someone will inquire, why Roman paging anyway. Most emphatically and distinctly, it is a nuisance, of course. It comes from the make-up of the volume. Most of it, as we all know, is in Arabic paging; but the pages at the front are left for the contents, chapter headings, and any other odd material. They are given Roman paging to differentiate them from the body of the book. No one knows, not even the author, how many of these Roman pages will be needed. I have used the word "appointed" as covering all the various terms such as appointment, confirmation, oath of office, and judicial oath, which are all concerned in elevating a distinguished lawyer to this honorable bench.

The name of one honorable, early judge bothered me a whole lot. He appeared in the middle of one volume of these early reports, seemingly like Melchizedec of old, before any mention of his appointment. I had to hunt considerably before I found his appointment. Take a later case of Ex-president, and Chief Justice, Taft. He was commissioned Solicitor General, 133:iii, but there was no mention of his retirement from that office. We collated a number of volumes and found that he was succeeded, 144:iii, by Hon. C. H. Aldrich, and that is all the notice of such retirement as late as 144. His next entry is 257:iii, appointment as Chief Justice.

In my original work, I collated volumes 1-100 page by page, only picking out memoirs, rules, admissions to the bar, and a few other items. From 101 on, I collated front and back, and supposed my work of collation was done. In 1933, I set out to edit my work and copied it on the typewriter. I became interested in those very early judges and started collating a second time, page by page, and did volumes 1-41. I kept on with ordinary collation, front and back, up to 100 and, my courage being good, decided to finish the set. This work has been checked four times in its entirety and I submit it as it is, not as perfect. If anyone finds mistakes, especially in those hundreds of Roman pagings, they are heartily welcome to them.

Some of the earlier reports were put forth in parts, as is shown by the stabbing of said parts. Contrary to modern publishing, the names of the court are given in front of each of these parts, and this brings the changes into the middle of the volume where one is less able to find it, unless the volume is collated page by page.

Some of the earlier justices did not stay on the bench long enough to have memorials. There are twelve justices mentioned in the first eight years; one died and one resigned and, of course, all could not be on the bench at the same time, so some must have left the bench; but no account is made of that fact. The full list will be found in volume 131. No mention at first is made of any changes in the court. It simply was not being done.

It is well to remember that although we say, and write, and read United States Reports 1-291, there were no U. S. cases in volume 1, only Philadelphia County and Pennsylvania State Reports. Our U. S. Reports did not begin until the second half of volume 2. See note by Mr. Davis, reporter, in appendix to volume 131. Volume 131 also carries some Federal cases before the Constitution and some notes of illness of the honorable justices. Too numerous to go into, the list of memorials have been put in miscellaneous—no hard and fast rule about it.

This honorable court shows its family feeling and affection for its members, as do none of the State courts, in the remarks of the chief justices on the passing of its clerks. I find nothing like it in my work of indexing memoirs in some four thousand State reports. I have arranged these in number sequence as follows:

100:x. Daniel Wesley Middleton, Esq, Clerk of the Court, having died during this term, Mr. Chief Justice Waite, May 10, 1880, announced the following order: "It is hereby ordered that James Hall McKenney be appointed clerk of this court in the place of Daniel Wesley Middleton, deceased, and that he forthwith take the oath of office and give bond conditional, according to law. In this connection we can not refrain from giving expression to our high regard for the personal and official character of Mr. Middleton. His handwriting first appears on the records of this court under date of the 7th of February, 1825. . . . Three chief justices of the court and eighteen associate justices have died since his service began. He was a most accomplished officer, courteous in manner, dignified in deportment, faithful in every duty. . ."

231:iii and v-vi. At the opening of the court, the Chief Justice [White] said, "It is my sad duty to announce to the gentlemen of the bar the death last night of Mr. James H. McKenney, the clerk of this court. He was associated for more than 50 years with the work of this court. The court is unwilling to let this occasion pass without making some note on its records of the character of the services rendered by Mr. McKenney to the court and the country for so long a time, and also without expressing for permanent record the sorrow which the members of the court feel at the loss which has been occasioned by the death of Mr. McKenney. Mr. McKenney became connected with the work of the court in 1858. During all that long period of more than 50 years, with diligence, with fidelity, and with honor, he served the court and the country."

274:iii and v. Chief Justice Taft said, under date of June 6, 1927, "The court announces with deep personal sorrow the death of William Riley Stansbury, its clerk, at 5 o'clock on yesterday (Sunday) morning, June 5. Mr. Stansbury had reached the age of 71. . . He entered this office as an assistant clerk in August, 1882. . . He was saturated with the traditions of the office and familiar to the last detail with all the duties to be discharged in that important place." Chief Justice then goes on to give a complete list of all the clerks, beginning with 1791. Just why John Tucker of Boston, who was clerk at the opening of the court in 1790, was omitted from this list is a mystery to me.

Here are a few items perhaps crowded out of their proper place. 169:iii, Griggs, Hon. J. W., Solicitor General, "was presented to the court." McKinley, Hon. John, 39:vii, was absent during this term; 41:vii, was prevented from attending court by indisposition, 42:lxxi, 47:iii, 49:iii, 50:iii.

At one time, and for several volumes, were printed tables showing amount of business transacted in this court. These tables have all been collected from volume to volume and are now set forth in sequence.

140:707	Table of business for Oct. Term	1890.
145:663	" " " " " "	1891.
149:794	" " " " " "	1892.
154:527	" " " " " "	1893.
158:717	" " " " " "	1894.
163:713	" " " " " "	1895.
174:805	" " " " " "	1898.
178:617	" " " " " "	1899.
182:612	" " " " " "	1900.
262:763	" " " " " "	1922.
265:599	" " " " " "	1923.
268:713	" " " " " "	1924.
271:697	" " " " " "	1925.
274:767	" " " " " "	1926.
283:871	" " " " " "	{ 1928.
		{ 1929.
		{ 1930.
		{ 1929.
		{ 1930.
		{ 1931.
286:649	No. of cases on Docket, Oct. Term	

These lists occur in the early volumes and are given here for the benefit of those interested in the early judges: Volume 5 contains a complete list, 1790-1804; the others do not go back so far, 5:xix, 6:vii, 14:xi, 15:v, and 27:xi.

1:500-502, catalogue of textbooks for sale by P. Byrne. This must be a fair list of books at that time and carries the house of Byrne clear back to the beginning of the Supreme Court.

2:399. "Supreme Court of the United States, February Term, 1790. This being the period prescribed by law for holding the first term of Supreme Court of the United States, the judges met at New York, the seat of the Federal Government; their respective commissions were read and they were qualified according to the act. John Jay was appointed Chief Justice, September 26, 1789, Wm. Cushing was appointed one of the justices, James Wilson was appointed one of the justices, John Blair was appointed one of the justices, and Edmund Randolph was appointed Attorney General."

2:400, James Iredell, commission dated February 10, 1790.

2:480, malignant fever interrupted the business of the court in 1793. Was it typhus, or yellow fever?

5:xix gives full list of justices of United States Supreme Court up to that time. It gives their commission dates but not the dates of their taking their places on the bench. Page xx gives the names of the justices during the time of that report as follows, C. J. Marshall, Cushing, Paterson, Chase, Washington, Moore, and Levi Lincoln, Attorney General. Beginning with volume 11, a list of justices is given in each volume.

15:87, appendix, oath for interrogatories.

19:v-vii, first requirement of a printed brief or abstract.

24:153, "Mr. Justice Duval being a landholder in Maryland did not sit in this case."

26:iii-iv, preface by reporter. Flyleaf note by Richard Peter, Jr., says he will attend to business in the courts and give information about cases.

26:xvii, first time of giving names of clerk and marshal of the court.

28:v-vi, note by Peters and letter from C. J. Marshall on printing reports in two volumes.

28:397, C. J. orders copies of opinions of the court to be furnished by the reporter and not by the clerk.

31:778, list of errata.



33:vii, court had to issue an order for preservation of original opinions of the court in office of the clerk.

34:i-leaf, announcement that the reporter will furnish printed reports to those wishing them.

34:85 and 35:iii, court for two terms had only six and five justices respectively.

36:419, Mr. Chief Justice Taney having been of counsel in this cause did not sit in same.

38:x, order of court striking out certain passages in printed argument of Thomas Washington, Esq. in *Lessee of Charles C. Scott vs. Thomas Reid Jr.*

39:210, R. I. vs. Mass., Mr. Justice Story did not sit in this case.

41:iii-iv, reporter's preface, telling of appointment of Howard to succeed Peters, who writes this preface.

41:v-vi, Thos. McKellar defends certain so called typographical errors.

41:i-ix, list of cases in volumes 1-42. Second Roman Paging.

41:128, yes, this was the *Star Spangled Banner*, Key and a relative of Chief Justice Taney.

42:iii, appointment of Howard as reporter, and gives his oath as such reporter.

42:v, card from reporter tendering his professional services in arguing before the Supreme Court.

42:xv-xix, Judge Catron's list of errata, also correspondence.

43:ix-x, action of the court on the "recent disaster," which said disaster, by a little research in the files of the American Almanack, was found to be the explosion on board the U. S. S. Princeton, February 28, 1844.

52:iv, resignation of Howard and appointment of Black as reporter. See also memorial.

52:vii, reporter absent during month of December, 1850.

58:viii, crier appointed. This is the only case of this kind in all of these reports.

60:393-633, is the only case we note—the Dred Scott Case.

66:iv, at commencement of the December Term, 1861, there were three vacancies on the bench of the Supreme Court, occasioned by the death of Mr. Justice Daniels and Mr. Justice McLean, and the resignation of Mr. Justice Campbell. During the term, the Honorable Noah M. Swayne of, Ohio, was appointed to fill the place of the late Mr. Justice McLean. The other two places continue to be vacant.

67:iii, preparatory note by Black about his second volume.

67:7-8, letter from President Lincoln appointed Hon. S. J. Field as Associate Justice and setting up courts for districts of California and Oregon.

68:vii, the Chief Justice was indisposed during a portion of the term and did not sit.

68:ix-xvii, Wallace's reasons for accepting position as reporter and remarks on the work of a reporter.

68:687, Shakespeare in court.

68:534-560, first illustrations in text other than charts and maps, being mechanical drawings in case of *Burr vs. Duryee*, Hat-Bodies.

69:xii, oath of allegiance first taken by Chief Justice S. P. Chase.

71:vii, oath of allegiance by Act of Congress, January 24, 1865, is rescinded and annulled.

71:ix-x, reporter's note about printing reports in two volumes.

73:x, "The duties of the Chief Justice as President of the Senate during the late trial of the President of the United States prevented almost wholly his participation in the business of the court during the last week or two."

77:v, the Chief Justice did not take part in the discussion after page 141, nor did Mr. Justice Nelson participate in those between pages 141 and 410.

78:vii, Hon. Samuel Nelson appointed to Alabama Claims Commission.

78:516, illustrations in the text, *Seymour vs. Osborne*.

79:v, the Chief Justice did not hear the cases prior to page 163, these having been argued before his late indisposition. Mr. Justice Nelson heard no cases in this volume but the legal Tender Cases.

81:vii, Act of Congress fixing October Session of the United States Supreme Court.

81:xix-xx, table giving dates of arguments and judgments of cases in that volume.

83:705-706, Judiciary Act of 1789 compared with that of 1867. 84:681-682 same.

84, first time it has run over two volumes to a term.

86:iii, long note about Chief Justice Waite not taking part in judgment of cases.

89:649, appendix. Section 709 United States Revised Statutes given in full. Also in 90:608.

91 becomes thicker and so continues as two volumes to a session.

100:x, death of Hon. W. D. Middleton, clerk 1825-1880. See remarks by Chief Justice.

113:v, order to print an additional volume according to section 681 Revised Statutes.

114:v, order to print in two volumes, May 4, 1885.

120:786-795, comparison of Judiciary Acts of 1875 and 1887.

130, as late as this, no regular and systematic notice of appointments of justices will be found.

131 has 462 pages in Arabic paging, about one-third of the volume, before the appendix in Roman paging, and this is a second Roman paging. There are six tables in all as follows:

1. Pp. v-x, Justices of Supreme Court appointed 1789-1888. Full notes in each case of death, declination, resignation, or retirement.
2. Introductory matter p.p. xi-xviii by Mr. Davis, the reporter. He goes into the subject of printed and written minutes of the court from the reportorial side. Does not say anything about the opinions of this honorable court being handed down in print and I wonder if it was being done in 1888. See Law Library Journal 9:40-41.
3. Federal Courts prior to adoption of the Constitution.
4. Courts for determining boundary disputes between the States, mainly, if not wholly, the thirteen original states.
5. Omitted cases now reprinted in full.
6. Table of omitted cases.

For the benefit of those who may not have access to a file of Law Library Journal, I here and now state the facts in the case. This honorable court hands down its decisions in print, but it is a case of printed, not published. The work is done and has been done by a family of printers for years, in the most confidential manner possible. Naturally the number is small, not intended for public use. The matter of obtaining these sheets came up at a conference of the American Association of Law Libraries. One of our far western members had heard of them and to his mind they were a public document done at the great Government Printing Office and should be freely distributed. I immediately arose and stated the facts much as I have done above, and that incident was closed.

134:711-762, centennial celebration of organization of Federal Judiciary, N. Y. City, February 4, 1790. Pages 713-721 are facsimile pages of the first records of the court in the handwriting of the first clerk, Hon. John Tucker, Boston, Massachusetts.

138:709-715, Act establishing Circuit Court of Appeals.

142:704-705, list of unreported cases, largely from MSS of the late Hon. W. T. Carroll, clerk of the court.

154:531-681, appendix. Some cases not hitherto reported in full, originally given by titles only in 131 appendix.

157:701-702, letter of February 16, 1863, from Mr. Chief Justice Taney to the Secretary of the Treasury remonstrating against any taxation of, or reduction of, the salaries of Federal judges.

181:625, Hawaii assigned to the Ninth Judicial District.

187:v, provision for fortnightly temporary parts of the reports.

213, four volumes a term began with this session. Later, the usual notes as to appointments, death, retirement and so on, appear in all the four volumes of term. In these lists we had to avoid duplication and cited only first volume in which such matter appeared.

215-218, have more changes on the bench and in the personnel of the honorable court than in any previous session.

235:iii, gives for the first time the full programme of, and for, each associate justice, appointment, confirmation, oath of office, judicial oath, and when he took his seat.

242, first volume in buckram.

257, first volume from Government Printing Office.

278, more changes than in any one volume.

In conclusion may I add that no attempt has been made to attempt a double entry system on the memoirs and names of this honorable court. It just simply cannot be done. You remember what the famous sage of Archery Road said in Dunn, F. P., *Mr. Dooley's Opinions*, N. Y., 1901, page 23, "The Supreme Court Decisions. Theyse wan thing about th' Supreme Coort, if ye lave anny thing to thim, ye lave it to thim. Ye don't get a check that entitles ye to call f'r it in an hour."

This is my magnum opus in the line of indexes of memorials of judges of our courts. May I add in closing that I leave this particular piece of work with a more profound respect than ever for this great and honorable court. I am proud to have done something, in a humble way, toward a more intimate knowledge thereof.

#### ANNOUNCEMENT OF THE THIRTIETH ANNUAL MEETING AT DENVER, COLORADO, JUNE 24-29, 1935

The Brown Palace Hotel, Denver, Colorado, will be the headquarters for the American Association of Law Libraries and the National Association of State Libraries, for the Annual Meeting to be held June 24th to 29th, 1935. The Hotel rates are as follows:

Single rooms with bath \$3.50, \$4.00, \$5.00 per day.

Double rooms with bath \$6.00, \$7.00, \$8.00 per day.

Librarians who plan to attend the Annual Meeting should make reservations direct with the Hotel as soon as possible. The Hotel informs us that reservations may be made through June 29th, but that owing to another convention, all rooms are engaged for June 30th. Delegates who desire to remain in Denver after June 29th may secure information as to other available hotels from Miss Helen Newman, Secretary, 720 20th Street N.W., Washington, D.C.

An interesting Program is being arranged, and will be announced in the April number of the Law Library Journal.